

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF ANN M.) APPEAL NO. 07-A-2738
HELTSLEY from the decision of the Board of) FINAL DECISION
Equalization of Boise County for tax year 2007.) AND ORDER

RESIDENTIAL PROPERTY APPEAL

THIS MATTER came on for hearing December 7, 2007, in Idaho City, before Hearing Officer Travis Vanlith. Board Members Lyle R. Cobbs, Linda S. Pike and David E. Kinghorn participated in this decision. Appellant Ann M. Heltsley appeared. Assessor Brent Adamson and Appraisers Jill Staup and Amber Mello appeared for Respondent Boise County. This appeal is taken from a decision of the Boise County Board of Equalization (BOE) denying the protest of the valuation for taxing purposes of property described as Parcel No. RP04N04E335100A.

The issue on appeal is the market value of residential property, specifically the value attributable to the land.

The decision of the Boise County Board of Equalization is affirmed.

FINDINGS OF FACT

The assessed land value is \$203,000, and the improvements' valuation is \$239,550, totaling \$442,550. Appellant requests the land value be reduced to \$94,310, and the improvements' value be left at \$239,550, totaling \$333,860.

Subject property is 4.30 acres located in Idaho City, Idaho. Appellant maintained that only the land value was under appeal.

The taxpayer presented spreadsheets depicting assessed values had increased since the purchase of subject. Subject's assessed value increased by \$225,790, or 80.3%, over the past four years.

Taxpayer argued the sale properties used by the County at the BOE were superior to subject. The sales were located in a newly developed area where the builder had paid several million dollars to develop. The amenities for these properties included paved roads, underground power stations and telephone lines, a covered mailbox station, and a beautifully landscaped entrance with rock work. Subject does not have similar amenities.

Appellant submitted four sales in the area that also had amenities superior to subject. The size ranged between 2.37 and 3.19 acres with sale prices between \$48,000 and \$150,000. All sales took place in 2007. Four current listings were also presented.

The Taxpayer also expressed subject lacked city services. Fire and police services were volunteer based. Thus, a high insurance rate was demanded for living in the area. Appellant stated the lack of services and high insurance prices negatively affect subject's value.

Respondent used a mass appraisal approach to arrive at an assessed value for subject. It was explained the three sales used at BOE were not the only sales considered when in setting land values.

The Assessor stated subdivision amenities do not impact the value of the land because the amenities are paid for each year by the homeowners and are not part of the land cost.

The County presented a spreadsheet of nine bare land sales used to determine the assessed value of parcels of over three acres in subject's land class. Respondent stated the sales had similar land characteristics and views as subject. The sale prices ranged between \$159,000 and \$250,000, for lots between 3.0 and 7.03 acres. The assessor stated the nine sales each had an assessed land value of \$190,000. Subject's assessed land value was \$203,000; of which \$12,000 was for site improvement (well and septic). A map and photographs were presented showing the comparables' location in relation to subject.

Respondent stated Appellant's comparable sales were not considered in the County study to value subject property, because they were not located in subject's market neighborhood.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

In assessing property for tax purposes, Idaho subscribes to the market value approach as defined in Idaho Code § 63-201(10):

“Market value” means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

Respondent submitted sales occurring during 2006 to support subject's assessment.

Appellant presented 2007 sales as well as current listings. The Board cannot give consideration to evidence that took place beyond the lien date of January 1, 2007.

In determining market value for tax assessments Idaho Code § 63-205(1) states:

All real, personal and operating property subject to property taxation must be assessed annually at market value for assessment purposes as of 12:01 a.m. of the first day in the year in which such property taxes are levied, except as otherwise provided.

Respondent's sales were timely and provided a reasonable basis for determining subject's value. Considering all the evidence submitted in this matter, the Board finds no error in the assessment of subject. Therefore, the decision of the Boise County Board of Equalization is affirmed.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Boise County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

MAILED January 30, 2008